

MITIGATED NEGATIVE DECLARATION

June 3, 2004

Project Name: FOLAND

Project Number(s): TM 5285; LOG NO. 02-15-003

**This Document is Considered Draft Until it is Adopted by the Appropriate
County of San Diego Decision-Making Body.**

This Mitigated Negative Declaration is comprised of this form along with the Environmental Initial Study that includes the following:

- a. Initial Study Form
 - b. Environmental Analysis Form and attached extended studies for biological resources and hydrology
1. California Environmental Quality Act Mitigated Negative Declaration Findings:
Find, that this Mitigated Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Mitigated Negative Declaration and the comments received during the public review period; and that revisions in the project plans or proposals made by or agreed to by the project applicant would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and, on the basis of the whole record before the decision-making body (including this Mitigated Negative Declaration) that there is no substantial evidence that the project as revised will have a significant effect on the environment.
2. Required Mitigation Measures:

Refer to the attached Environmental Initial Study for the rationale for requiring the following measures:

- A. Prior to issuance of grading or construction permits or on the Final Map, whichever comes first, the applicant shall:
1. Grant to the County of San Diego an open space easement over portions of Lot 2 and Lot 4 as shown on the Open Space Easement Exhibit dated September 16, 2003 and on file with the Department of Planning and Land Use as File Number ER 02-15-003. This easement is for biological open space and prohibits all of the following on any portion of the land subject to said easement: grading; excavation; placement of soil, sand, rock, gravel, or other material; clearing of vegetation; construction, erection, or placement of any building or structure; vehicular activities; trash dumping; or use for any purpose other than as open space. Granting of this open space authorizes the County and its agents to periodically access the land to perform management and monitoring activities for the purposes of species and habitat conservation.

The sole exception(s) to this prohibition is:

- a. Selective clearing of vegetation by hand to the extent required by written order of the fire authorities for the express purpose of reducing an identified fire hazard. While clearing for fire management is not anticipated with the creation of this easement, such clearing may be deemed necessary in the future for the safety of lives and property. All fire clearing shall be pursuant to the Uniform Fire Code and the Memorandum of Understanding dated February 26, 1997, between the wildlife agencies and the fire districts and any subsequent amendments thereto.
2. Grant to the County of San Diego an easement which prohibits the construction or placement of any residence, garage, or other accessory structure designed or intended for occupancy by humans or animals, within those portions of Lots 1, 2, 3 and 4 as shown on the Open Space Easement Exhibit dated September 16, 2003 and on file with the Department of Planning and Land Use as File Number ER 02-15-003. The purpose of this easement is to prohibit such structures, because an area containing sensitive biological resources (encumbered by an open space easement) exists adjacent to said area, and the clearing of vegetation or other fuel modification measures which are normally required by fire protection officials within a specified distance of such structures, is

potentially damaging to the integrity of those biological resources. The easement shall permit the construction or placement of only the following:

- a. Decking, fences, and similar facilities.
 - b. Sheds, gazebos, and detached garages, less than 250 square feet in total floor area, that are designed, constructed and placed so that they do not require clearing or fuel modification within the biological open space easement, beyond the clearing/fuel modification required for the primary structures on the property.
 - c. Structures located no less than 30 feet from the nearest biological open space easement boundary, provided that the structures meet the minimum Fire-Resistive Construction Requirements as defined by the Fire Protection Authority (FPA) having jurisdiction over the property and that FPA has approved in writing a reduction in the vegetation clearing / fuel modification requirements so that they will not be required within any portion of the biological open space easement.
- B. Cause to be placed on grading and/or improvement plans and the Final Map, the following: "Restrict all brushing, clearing and/or grading such that none will be allowed during the breeding season of raptors. This is defined as occurring between February 1 and June 1. The Director of Planning and Land Use may waive this condition, through written concurrence from the United States Fish and Wildlife Service and the California Department of Fish and Game, that no raptors are present in the vicinity of the brushing, clearing or grading."
- C. Grading and/or improvement plans shall include the requirement that temporary fences shall be placed to protect all open space easements shown on the Tentative Map which preclude grading, or brushing or clearing. The subdivider shall submit to the Department of Planning and Land Use a statement from a California Registered Engineer, or licensed surveyor that temporary fences have been placed in all locations of the project where proposed grading or clearing is within 100 feet of an open space easement boundary. The temporary fence location shall be identified in the field by a California Registered Engineer or licensed surveyor and positioned between the open space easement boundary and any area of proposed disturbance. The temporary fencing shall be removed only after the conclusion of such activity.

- D. Prior to the approval of grading or improvement plans and prior to the approval of the Final Map, the applicant shall:

Submit to the Director, Department of Planning and Land Use evidence that permanent signs have been placed to protect all Open Space Easements in accordance with on the Open Space Signage exhibit dated September 16, 2003 on file with the Department of Planning and Land Use as File Number ER 02-15-003. Evidence shall include photographs of a sign placed on the project and a stamped, signed statement from a California Registered Engineer, or licensed surveyor that permanent signs have been placed on the open space easement boundaries in accordance with the requirements of this condition. The signs must be corrosion resistant and 6 inches x 9 inches minimum in size, on posts not less than 3 feet in height from the ground surface and must state the following:

“Sensitive Environmental Resources
Disturbance Beyond this Point is Restricted
by Easement

Information:

Contact County of San Diego, Department of Planning and Land Use
Ref:02-15-003”

- E. Grading and/or improvement plans shall include the requirement that permanent fences shall be placed along the open space boundary of Lots 1, 2, 3 and 4. The property owner shall submit to the Director, Department of Planning and Land Use a signed, stamped statement from a California Registered Engineer, or licensed surveyor that permanent fences or walls have been placed to protect from inadvertent disturbance all open space easement(s) that do not allow grading, brushing or clearing. Permanent fencing or walls are required in all locations of the project as shown in the Open Space Fencing Plan dated September 16, 2003 on file as ER 02-15-003 with the Department of Planning and Land Use at the conclusion of the grading activity and prior to Record Plan approval. The permanent fence location(s) shall be identified in the field by a California Registered Engineer or licensed surveyor and positioned just outside of the open space easement. Photographs and a brief description of design and materials used shall be submitted with the statement from the California Registered Engineer. Construction materials and fence and/or wall design are subject to approval by the Department of Planning and Land Use. Minimum fence or wall height shall be 4 feet.

3. Critical Project Design Elements That Must Become Conditions of Approval:

The following project design elements were either proposed in the project application or the result of compliance with specific environmental laws and regulations and were essential in reaching the conclusions within the attached Environmental Initial Study. While the following are not technically mitigation measures, their implementation must be assured to avoid potentially significant environmental effects.

- A. The following conditions shall be complied with before a Final Map is approved by the Board of Supervisors and filed with the County Recorder of San Diego County.

PLANS AND SPECIFICATIONS

(Street Improvements and Access)

1. Standard Conditions 1 through 9 and 12.
2. Specific Conditions:
 - a. Improve or agree to improve and provide security for Guatay View Lane from Lot 4 southerly to Old Highway 80, to a graded width of twenty-eight feet (28') and to a minimum improved width of twenty feet (20') with asphalt concrete pavement over approved base and/or portland cement concrete over approved base. The existing asphalt concrete and/or portland cement concrete may remain and shall be widened out to provide a minimum constant width of twenty feet (20'), and the improvement and design standards of Section 3.1(C) of the County Standards for Private Streets for one hundred (100) or less trips shall apply, to the satisfaction of the Director of Public Works and the Pine Valley Fire Protection District.
 - b. Improve or agree to improve and provide security for the to-be-named private easement road, from Lot 3 easterly to Guatay View Lane, to a graded width of twenty-eight feet (28') and to an improved width of twenty-four feet (24') with asphalt concrete pavement or equivalent over approved base. The improvement and design standards of Section 3.1(C) of the County Standards for Private Streets for one hundred (100) or less trips shall apply. The above shall be

to the satisfaction of the Director of Public Works and the Pine Valley Fire Protection District.

- c. The to-be-named private easement road shall terminate with a cul-de-sac graded to a radius of thirty-eight feet (38') and improved to a radius of thirty-six feet (36') with asphalt concrete pavement over approved base to the satisfaction of the Pine Valley Fire Protection District and the Director of Public Works.
- d. If gated access is used, it shall be in accordance with San Diego County Design Standards DS-17, DS-18 or DS-19 to the satisfaction of the Pine Valley Fire Protection District and the Director of Public Works.
- e. Asphalt concrete surfacing material shall be hand-raked and compacted to form smooth tapered connections along all edges including those edges adjacent to soil. The edges of asphalt concrete shall be hand-raked at 45 degrees or flatter, so as to provide a smooth transition next to existing soil, including those areas scheduled for shoulder backing. The above shall be done to the satisfaction of the Director of Public Works.
- f. Adequate sight distance per County Standards shall be provided at all proposed intersections to the satisfaction of the Director of Public Works.

DRAINAGE AND FLOOD CONTROL

- 3. Standard Conditions 13 through 18.
- 4. Specific Conditions:
 - a. The 100-year flood line of the natural channels crossing all lots with drainage watersheds in excess of twenty-five (25) acres shall be clearly delineated on the non-title information sheet of the Final Map.
 - b. A recorded Waiver and Release Agreement shall be obtained from each property owner who is impacted by significant changes (to include diversion and concentration) in downstream flow characteristics resulting from grading,

private roads or other improvements, to the satisfaction of the Director of Public Works.

- c. A report on the stability of the onsite/offsite dam is to be prepared by a Registered Civil Engineer specializing in soils engineering and submitted to the Department of Public Works for approval. The report is to include, but not be limited to, general stability, data on spillway capability, and recommendations for necessary improvements for the safety of downstream property. A spillway conforming with the San Diego County Flood Control District's "Design and Procedure Manual" and any other necessary improvements shall be constructed prior to recordation of the map.

GRADING PLANS

5. Standard Conditions 19(a-e).
6. Specific Conditions:
 - a. Comply with all applicable stormwater regulations at all times. The activities proposed under this application are subject to enforcement under permits from the San Diego Regional Water Quality Control Board (RWQCB) and the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance (Ordinance No. 9424 and Ordinance No. 9426) and all other applicable ordinances and standards. This includes requirements for materials and wastes control, erosion control, and sediment control on the project site. Projects that involve areas greater than one (1) acre require that the property owner keep additional and updated information onsite concerning stormwater runoff. This requirement shall be to the satisfaction of the Director of Public Works.
 - b. All of the work described above pertaining to erosion control, irrigation systems, slope protection, drainage systems, desilting basins, energy dissipators, and silt control shall be secured by an Instrument of Credit in a form satisfactory to County Counsel for an amount equal to the cost of this work as determined or approved by the County Department of Public Works. An agreement in a form satisfactory to County Counsel shall accompany the Instrument of Credit to

authorize the County Department of Public Works to unilaterally withdraw any part of or all the Instrument of Credit to accomplish any of the work agreed to if it is not accomplished to the satisfaction of the County Department of Public Works by the date agreed. The cash deposit collected for grading, per the grading ordinance, will be used for emergency erosion measures. If said deposit collected for grading is less than \$5,000.00, the developer will supplement the deposit to equal \$5,000.00. The developer shall submit a letter to the County Department of Public Works authorizing the use of this deposit for emergency measures.

DEVELOPMENT IMPACT FEES

7. Specific Conditions:

- a. Deposit with the County Department of Public Works sufficient funds to cover the cost of inspection of the private road improvements.

STREETS AND DEDICATION

8. Specific Conditions:

- a. Because private roads are approved as a condition of this subdivision, the following shall apply:
 - (1) Maintenance shall be provided through a private road maintenance agreement satisfactory to the Director of Public Works.
 - (2) The Director of Public Works shall be notified as to the final disposition of title (ownership) to the private easement roads, and place a note on the Final Map as to the final title status of said streets.
 - (3) Access to each lot shall be provided by private road easement not less than forty feet (40') wide.
- b. If the private street is a separate lot, it shall have a lot number consecutive with the other lot numbers.

MISCELLANEOUS

9. Standard Conditions 25, 26, 27, and 28.

WAIVER AND EXCEPTIONS

These recommendations are pursuant to the provisions of the State Subdivision Map Act, the County Subdivision Ordinance, the County Public Road and Private Road Standards, and all other required ordinances of San Diego County except for a waiver or modification of the following:

- a. Standard Conditions for Tentative Maps:
- (1) Standard Condition 10: Said condition pertains to construction of a street lighting system. Per DPW Special Districts Section, this project has no requirements for construction of a street lighting system.
 - (2) Standard Condition 11: Said condition pertains to condominium units or a planned development. This subdivision is neither a condominium nor a planned development.
 - (3) Standard Condition 27.1: Said condition states that the Final Map may be filed as units or groups of units. The Final Map for this project is required to include the entire area shown on the Tentative Map and shall not be filed as units or groups of units.
- b. County Private Road Standards:
- (1) Exception to onsite and offsite road improvements for Guatay View Lane, from Lot 4 to Old Highway 80, to allow a minimum improved width of twenty feet (20'). DPW is able to support the request for exception to the above mentioned condition for both offsite and onsite portions of this road because: a) there is evidence of sensitive habitat impacts and fence/yard constraints associated with grading and improvement of this road, b) Fire Protection District review stating all new roads will be 24 feet improved width and all existing roads must be upgraded to a minimum 20 feet improved width, and c) it has been determined that request

for exception to the offsite and onsite portions of this road will not adversely effect the safety and flow of traffic in this area.

c. County Subdivision Ordinance

- (1) Section 81.403(a)(6): Said section requires all new and existing utility distribution facilities within the boundaries of a new subdivision or within any half street abutting a new subdivision to be placed underground. This waiver will permit the existing power poles and overhead power lines on Lot 3 (which provide service to Lot 4) to remain. Requiring them to be placed underground would be a spot improvement inconsistent with the established system of the area. However, permitting them to be overhead does not preclude relocating them. All other utilities for the project shall be placed underground.

SPECIAL INFORMATION

1. Public sewers are not available to this property at this time. Individual subsurface disposal systems, subject to the approval of the Department of Environmental Health, must be utilized.
2. Prior to recordation of the Final Map, Certificate of Compliance (CC 02-090) shall be completed to the satisfaction of the Director of Planning and Land Use.

ADOPTION STATEMENT: This Mitigated Negative Declaration was adopted and above California Environmental Quality Act findings made by the:

on _____

SUSAN PORTER, Planning Manager
Regulatory Planning Division

SP:MH:tf

ND06-04\0215003-ND